

**Michael N. Milby, Clerk**

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Civil Action No. G-02-463

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JUL 03 2003

Michael N. Milby, Clerk

WESTBORO PROPERTIES, LLC  
and STONEHURST CAPITAL, INC.  
Plaintiffs

vs.

CREDIT SUISSE FIRST BOSTON, INC., et al.,  
Defendants

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Civil Action No. H-03-1276

**PLAINTIFF AMERICAN NATIONAL INSURANCE COMPANY, ET AL.'S  
MOTION TO LIFT STAY TO ALLOW PARTICIPATION IN DISCOVERY**

Plaintiffs, American National Insurance Company, joined by all the other plaintiffs in the above-styled causes of action (collectively, "Plaintiffs"), subject to and without waiving their requests for remand of their actions, move the Court to lift the stay of Plaintiffs' action, entered on August 7, 2002, in order to allow Plaintiffs to participate in non-duplicative discovery.

Plaintiffs assert state law claims against parties that are named as defendants in the action brought by Lead Plaintiff. Plaintiffs' claims and Lead Plaintiff's claims are similar and discovery sought by both Plaintiffs' and Lead Plaintiff will in large part be identical. Failure to lift the stay will result in unwarranted delays, additional expense to all parties involved, and an additional strain on judicial resources because, absent participation in the discovery process contemplated by the court and set for discussion on July 10, 2003, Plaintiffs would be forced to conduct a second round of largely duplicative discovery.

Failure to lift the stay with respect to depositions would be particularly wasteful of the parties' and the court's resources. By lifting the stay, only one


deposition of each witness, rather than two (or more), would suffice. A single deposition for each witness would result in a savings of time and money for the parties and would likely reduce the number of discovery disputes requiring Court resolution.

Plaintiffs are not seeking wide-ranging discovery separate and apart from the discovery contemplated by the Court to be coordinated by Lead Plaintiff. Rather, Plaintiffs are asking to be allowed to participate in the discovery process and seek discovery, or ask questions at depositions, of a nature non-duplicative to Lead Plaintiff's queries.

A delay in Plaintiffs' participation in discovery at this time also may unfairly impact Plaintiffs' ability to obtain evidence. The Court has determined, "In the interests of justice and the preservation of evidence and witnesses, this Court will not add additional delays to those already and necessarily caused by the sheer size, novelty and complexity" of this litigation. *Order* (June 27, 2003). Plaintiffs, accordingly, pray that the Court lift the stay imposed on August 7, 2002 and allow Plaintiffs to engage and participate in non-duplicative discovery in conjunction with the discovery schedule to be discussed at the hearing set for July 10, 2003.

Respectfully submitted,

**GREER, HERZ & ADAMS, L.L.P.**

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CERTIFICATE OF SERVICE

I hereby certify that on this the 2nd day of July, 2003, a copy of the forgoing document was served on all counsel of record by posting in PDF format to www.esl13624.com.

By: 

Steve Windsor